

Atty. Dkt. No. 036481-0177

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: James FULLER

## Title: NUCLEIC ACID CONSTRUCTS

Appl. No.: Unassigned, U.S. National Stage of PCT/GB2004/004279

Filing Date: April 10, 2006

Examiner: Unassigned

Art Unit: Unassigned

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR §1.56**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicant in order to comply with Applicant's duty of disclosure pursuant to 37 CFR §1.56.

Copies of the documents are not being provided since copies should have been provided directly by WIPO under an exchange program between the PTO, the EPO and the JPO.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

636337

Atty. Dkt. No. 036481-0177

TIMING OF THE DISCLOSURE

10 APR 2006

The listed documents are being submitted in compliance with 37 CFR §1.97(b), within three (3) months of the date of entry of the national stage as set forth in 37 CFR §1.491.

RELEVANCE OF EACH DOCUMENT

All of the documents are in English.

Applicant respectfully requests that each listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

Although Applicant believes that no fee is required for this Request, the Commissioner is hereby authorized to charge any additional fees which may be required for this Request to Deposit Account No. 19-0741.

Respectfully submitted,

*Michael D. Kaminski*

Date April 10, 2006

By Reg. No. 32,904, Jr.

FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 672-5483  
Facsimile: (202) 672-5399

Richard C. Peet  
Attorney for Applicant  
Registration No. 35,792

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO

INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT

Date Submitted: April 10, 2006

(use as many sheets as necessary)

Sheet

1

of

2

Complete if Known

Application Number

Unassigned, U.S. National Stage  
PCT/GB2004/004279

Filing Date

April 10, 2006

First Named Inventor

James FULLER

Group Art Unit

Unassigned

Examiner Name

Unassigned

Attorney Docket Number

036481-0177

## U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			
	A1	6,110,707	A	Newgard et al.	08-29-2000	

## FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				
	A2	WO	02/31137	A	Chiron Corporation	04-18-2002		
	A3	WO	02/36792	A	Glaxo Group Limited	05-10-2002		
	A4	WO	02/094313	A	Powderject Vaccines, Inc.	11-28-2002		
	A5	WO	99/03981	A	PPL Therapeutics Limited	01-28-1999		
	A6	WO	03/011334	A	Glaxosmithkline Biologicals S.A.	02-13-2003		
	A7	WO	00/23592	A	Powderject Vaccines, Inc.	04-27-2000		

## NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>6</sup>
	A8	ROY et al., "Induction of antigen-specific CD8+ T cells, T helper cells, and protective levels of antibody in humans by particle-mediated administration of a hepatitis B virus DNA vaccine," <i>Vaccine</i> , vol. 19, no. 7-8, 22 November 2000, pages 764-778, XP004225394	
	A9	ZINCKGRAF et al., "Modulating gene expression using DNA vaccines with different 3'-UTRs influences antibody titer, seroconversion and cytokine profiles," <i>Vaccine</i> , vol. 21, no. 15, 2 April 2003, pages 1640-1649, XP004413571	
	A10	ROTONDARO et al., "Efficiency of different viral promoters in directing gene expression in mammalian cells: effect of 3@?-untranslated sequences," <i>Gene</i> , vol. 168, no. 2, 12 February 1996, pages 195-198, XP004042959	
	A11	CHAN et al., "Synergistic interactions between overlapping binding sites for the serum response factor and ELK-1 proteins mediate both basal enhancement and phorbol ester responsiveness of primate cytomegalovirus major immediate-early promoters in monocyte and T-lymphocyte cell types," <i>Journal Of Virology</i> , vol. 70, no. 12, 1996, pages 8590-8605, XP002331463	

Examiner  
SignatureDate  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup>See attached Kinds of U.S. Patent Documents. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO

INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT

Date Submitted: April 10, 2006

(use as many sheets as necessary)

Sheet

2

of

2

Complete if Known

Application Number	Unassigned, U.S. National Stage of PCT/GB2004/004279
Filing Date	April 10, 2006
First Named Inventor	James FULLER
Group Art Unit	Unassigned
Examiner Name	Unassigned
Attorney Docket Number	036481-0177

## NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	A12	FULLER et al: "Immune Responses To Hepatitis B Virus Surface And Core Antigens In Mice Monkeys And Pigs After Accell Particle-Mediated Dan Immunization," <i>Annals Of The New York Academy Of Sciences</i> , vol. 772, 27 November 1995, pages 282-284, XP000891484	
	A13	WASENAUER et al., "A Cysteine and a Hydrophobic Sequence in the Noncleaved Portion o f the Pre-C leader peptide Determine the Biophysical Properties of the Secretory Core Protein (HBe protein) of Human Hepatitis B Virus," <i>Journal Of Virology</i> , vol . 66, no. 9, September 1992, pages 5338-5346, XP002977293	

Examiner  
SignatureDate  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup>See attached Kinds of U.S. Patent Documents. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.